

Federal Communications Commission  
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Before the  
Federal Communications Commission  
Washington, D.C. 20554

JUL 22 5 16 PM '92

PR Docket No. 92-153

In the Matter of

Part 90 Fire Call Box  
Operations in the  
72-76 MHz Frequency Band

RM-7783

**NOTICE OF PROPOSED RULE MAKING**

Adopted: July 10, 1992;

Released: July 22, 1992

Comment Date: September 11, 1992

Reply Comment Date: September 28, 1992

By the Commission:

**I. INTRODUCTION**

1. On July 30, 1991, a Petition for Rulemaking (Petition) was filed by the International Association of Fire Chiefs, Inc. and the International Municipal Signal Association (IAFC/IMSA or Joint Petitioners).<sup>1</sup> Joint Petitioners request that eligibles in the Fire Radio Service be permitted to utilize, on a shared basis, low-power frequencies allocated to the Forest Products, Special Industrial, Railroad, and Manufacturers' Radio Services in the 72-76 MHz band for fire call box operations.<sup>3</sup>

**II. DISCUSSION**

2. Section 90.21(c)(3) of the Commission's Rules, 47 C.F.R. § 90.21(c)(3), allocates frequencies in the 72-76 MHz band to the Fire Radio Service for fixed operations, including fire call box operations.<sup>4</sup> Frequencies in this

band are shared with other radio services and are available in accordance with the provisions of Section 90.257(a) of the Commission's Rules, 47 C.F.R. § 90.257(a).<sup>5</sup>

3. Joint Petitioners note that licensees in the Fire Radio Service use frequencies for fixed operations in the 72-76 MHz band for fire call box operations, but are limited to a transmitter output power of one watt. Joint Petitioners also note that co-channel licensees in the other radio services transmit with a power level far greater than one watt. These higher-power co-channel licensees cause interference and adversely affect the operation of fire call box systems, thereby imperiling the safety of life and property.<sup>6</sup> Joint Petitioners note that there are other shared frequencies in the 72-76 MHz band that are designated for low-power mobile use and can be useful for call box operations. These frequencies, while reserved for low power mobile use, may be operated as either mobile, base, or fixed stations. Joint Petitioners therefore request that low-power fire call box operations be allowed to share these ten 72-76 MHz frequencies on a coordinated basis with the Forest Products, Special Industrial, Manufacturers, and Railroad Radio Services. Joint Petitioners state they have discussed their proposal with the certified frequency coordinators for these radio services and received no opposition to the expansion of eligibility for these frequencies to include the Fire Radio Service.

4. The low to high power disparity between Fire Radio Service and other radio services' operations on the fixed frequencies listed in Section 90.257(a)(1) of the Rules creates potential for adverse and harmful interference. The likelihood for such interference could be reduced, however, if low-power fire call box operations were permitted on the ten 72-76 MHz mobile frequencies used by other radio services that are restricted to one-watt transmitter output power. Fire call boxes have been instrumental in providing more effective and efficient fire service by creating a direct link between fire departments and the public, with the saving of untold property and lives. We believe that additional interference-free fire call box operations will result in shorter fire response times, thus reducing fire losses and benefitting the general public. We, therefore, propose to modify the appropriate sections of Part 90 of our Rules to include the Fire Radio Service as an eligible for the low-power 72-76 MHz frequencies available in the Forest Products, Special Industrial, Manufacturers, and Railroad Radio Services. The proposed rules governing

<sup>1</sup> The Petition for Rule Making was placed on Public Notice on August 26, 1991.

<sup>2</sup> On October 23, 1991, as part of its comments, Joint Petitioners filed a Supplement to their Petition requesting that eligibles in the Fire Radio Service also be given access to twenty additional frequencies currently proposed for low-power use in the Manufacturers Radio Service. See, Notice of Proposed Rule Making, PR Docket No. 91-295, 7 FCC Rcd 293 (1991). We are not including this proposal in this Notice of Proposed Rule Making because the proceeding in PR Docket No. 91-295 has not yet been concluded. No other comments or reply comments were received.

<sup>3</sup> These frequencies are listed in 47 C.F.R. §§ 90.67(c)(34), 90.73(d)(7), 90.79(d)(4), and 90.91(c)(2).

<sup>4</sup> Fire call boxes are located throughout a local fire authority's operating area to provide a method for fire alarm notification and a means for monitoring vacant buildings and offices. These call boxes transmit on frequencies within the 72-76 MHz band designated for fixed use, but are limited to a transmitter output

power of one watt pursuant to Section 90.241 of the Rules, 47 C.F.R. § 90.241.

<sup>5</sup> Section 90.257(a) lists the frequencies available for fixed operations and specifies the protection criteria required for television reception on TV Channels 4 and 5. These fixed frequencies are shared by licensees in all Part 90 Private Land Mobile Radio Services except Radiolocation and, pursuant to 47 C.F.R. § 22.501(f), by Part 22 Public Mobile Service users.

<sup>6</sup> The maximum transmitter output power permitted for fixed operations in the 72-76 MHz band is 300 watts. Generally, fixed stations operate at lower power levels to meet the protection criteria required for television reception on TV Channels 4 and 5.

<sup>7</sup> Ten frequencies in the 72-76 MHz band are available for shared use by the Forest Products, Special Industrial, Manufacturers, and Railroad Radio Services. They are designated for mobile use and are limited to a transmitter output power of one watt pursuant to Section 90.257(b).

such shared operations are set forth in detail in the Appendix and should be followed in developing comments and reply comments in this proceeding.

### III. CONCLUSION

5. In summary, this Notice proposes to amend Part 90 of the Commission's Rules to permit the Fire Radio Service to conduct fire call box operations on ten low-power frequencies in the 72-76 MHz band on a shared basis with the Forest Products, Special Industrial, Manufacturers, and Railroad Radio Services. Operation on these frequencies is to be in accordance with the provisions of Section 90.257(b).

### IV. PROCEDURAL MATTERS

#### *Ex Parte Rules-Non-Restricted Proceeding*

6. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in Commission Rules. See generally - 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

#### Initial Regulatory Flexibility Analysis

7. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.* (1981).

#### Comment Dates

8. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commissions Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before **September 11, 1992**, and reply comments on or before **September 28, 1992**. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

9. For further information concerning this rule making, contact Eugene Thomson, Private Radio Bureau, Room 5202, Federal Communications Commission, Washington, D.C. 20554, telephone (202) 634-2443.

10. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

### FEDERAL COMMUNICATIONS COMMISSION

*Donna R. Searcy*

Donna R. Searcy  
Secretary

### APPENDIX

It is proposed to amend 47 C.F.R. Part 90 as follows:

1. The authority citation for Part 90 reads as follows:

**Authority: Secs. 4, 303 and 332, 48 Stat. 1066, 1082, as amended, 47 U.S.C. 154, 303 and 332, unless otherwise noted.**

2. 47 C.F.R. § 90.21 is amended by revising the Fire Radio Service Frequency Table in paragraph (b) to include ten additional frequencies from 72.44 MHz through 75.60 MHz, to be added immediately following the 72.00 to 76.00 MHz entry, and adding paragraph (c)(18) to read as follows:

#### § 90.21 Fire Radio Service.

\*\*\*\*\*

(b) \*\*\*

#### Fire Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
*****		
72.44	Mobile	18
72.48	do	18
72.52	do	18
72.56	do	18
72.60	do	18
75.44	do	18
75.48	do	18
75.52	do	18
75.56	do	18
75.60	do	18

\*\*\*\*\*

(c) \*\*\*

(18) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial, Railroad, and Fire Radio Services and interservice coordination is required. All communications on this frequency must be conducted by persons or organizations charged with specific fire protection responsibility. All operations on this frequency are subject to the provisions of Section 90.257(b).

\*\*\*\*\*

3. 47 C.F.R. § 90.67 is amended by revising the first sentence of paragraph (c)(34) to read as follows:

#### § 90.67 Forest Products Radio Service.

\*\*\*\*\*

(c) \*\*\*

(34) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial, Railroad, and Fire Radio Services and interservice coordination is required. \*\*\*

\*\*\*\*\*

4. 47 C.F.R. § 90.73 is amended by revising the first sentence of paragraph (d)(7) to read as follows:

**§ 90.73 Special Industrial Radio Service.**

\*\*\*\*\*

(d) \*\*\*

(7) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial, Railroad, and Fire Radio Services and interservice coordination is required. \*\*\*

\*\*\*\*\*

5. 47 C.F.R. § 90.79 is amended by revising the first sentence of paragraph (d)(4) to read as follows:

**§ 90.79 Manufacturers Radio Service.**

\*\*\*\*\*

(d) \*\*\*

(4) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial, Railroad, and Fire Radio Services and interservice coordination is required. \*\*\*

\*\*\*\*\*

6. 47 C.F.R. § 90.91 is amended by revising the first sentence of paragraph (c)(2) to read as follows:

**§ 90.91 Railroad Radio Service.**

\*\*\*\*\*

(c) \*\*\*

(2) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial, Railroad, and Fire Radio Services and interservice coordination is required. \*\*\*

\*\*\*\*\*

7. 47 C.F.R. § 90.257 is amended by revising the introductory portion of paragraph (b) and the first sentence of paragraph (b)(1) to read as follows:

**§ 90.257 Assignment and use of frequencies in the band 72-76 MHz.**

\*\*\*\*\*

(b) The following criteria shall govern the authorization and use of frequencies within the band 72-76 MHz by mobile stations in the Special Industrial, Manufacturers, Forest Products, Railroad, and Fire Radio Services.

(1) Mobile operation on frequencies in the 72-76 MHz band is subject to the condition that no interference is caused to the reception of television stations operating on Channel 4 or 5. \*\*\*

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